

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

DAVID DAVIS, 2007 APR 24 P 4:04)

Plaintiff)

v.)

PHENIX CITY, ALABAMA,)

JEFFREY HARDIN, named in his individual)
and official capacities,)

H.H. ROBERTS, named in his individual)
and official capacities,)

WALLACE HUNTER, named in his individual)
and official capacities,)

ROY WATERS, named in his individual)
and official capacities,)

and)

BARBARA GOODWIN, named in her individual)
and official capacities,)

Defendants.)

Case Number:

3:06-CV-0544-WHA

AFFIDAVIT OF JAMES R. McKOON, JR.

Comes now James R. McKoon, Jr. after being duly sworn and says as follows:

1. I am a licensed attorney in the State of Alabama and admitted to practice in the U.S. District Court for the Middle District of Alabama.

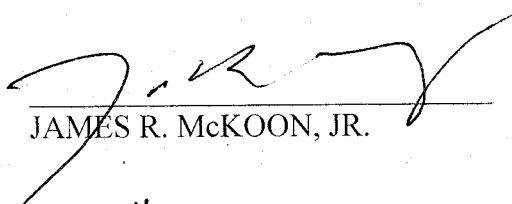
2. For the past several years, I along with James P. Graham, Jr. have represented the City of Phenix City, Alabama in various lawsuits filed against the City in both State and Federal Court.

3. In 2005, I was one of the attorneys for the City of Phenix City and various other Defendants in the case of Randy Doster and Dennis Duty, et al. vs. Phenix City, Alabama, et al. in the United States District Court for the Middle District of Alabama, Eastern Division, Case Number 3:03-CV-342-M. That case was tried before a jury in Opelika, Alabama in June of 2005 and was terminated in favor of all Defendants by a jury verdict and judgment of the Court rendered in that same month.

4. One of the Plaintiff's, Dennis Duty, was a former firefighter with the City of Phenix City, Alabama, whose Complaint among other things was based upon an alleged violation of his First Amendment Rights and wrongful termination.

5. I am personally familiar with the facts set forth hereinabove and make this Affidavit for the purpose of supporting a Motion for Summary Judgment on behalf of the Defendants in the above case.

Further deponent saith not.


JAMES R. McKOON, JR.

Sworn to and subscribed before me this 24th day of April, 2007.


NOTARY PUBLIC, STATE OF
ALABAMA AT LARGE
My Commission Expires: 3/24/09